

July 22, 2008

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

2008 JUL 30 A 10: 15

Thomaseia P. Duncan
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

AOR 2008-08

Dear Ms. Duncan:

Pursuant to 2 U.S.C. §437f and the rules of the Federal Election Commission, 11 C.F.R. §112.1, this letter requests an advisory opinion.

On June 25, 2008, I made a credit card contribution to ActBlue, a non-connected federal political action committee, earmarked for the Democratic Nominee for United States Senate in 2010 in Arizona (the "Nominee"); in the event that there is no Democratic nominee for this office in the general election of 2010, the donation will be forwarded to the Democratic Senatorial Campaign Committee ("DSCC").¹

I have three questions about the limits against which the this contribution might apply:

1. If there is a Nominee and my contribution is forwarded to that Nominee for the general election in 2010, will my contribution count against the biennial contribution limit (11 C.F.R. §110.5(b)) for the election cycle in which it was made (2007/2008) or the one in which the contribution is forwarded by ActBlue to the Nominee (2009/2010)?
2. If there is no Nominee and my contribution is forwarded to the DSCC in 2010, will my contribution count against the biennial contribution limit (11 C.F.R. §110.5(b)) for the election cycle in which it was made (2007/2008) or the one in which the contribution is forwarded by ActBlue to the DSCC (2009/2010)? and
3. If there is no Nominee and my contribution is forwarded to the DSCC in 2010, will my contribution count against my calendar year contribution limit (11 C.F.R. §110.1(c)) to the DSCC in the year in which it was made (2008) or the year in which it was forwarded to the DSCC (2010)?

Thank you very much for your prompt attention to this matter.

Sincerely,



Jonathan Zucker
36 A Street #5B
Boston, MA 02127

¹ This contribution was through a Democratic Nominee Fund that ActBlue operates in accordance with the provisions of Advisory Opinions 1977-16, 1982-23, and 2003-23.